

## Article - Environment

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§15–808.

(a) A licensee may not engage in surface mining within the State except on affected land that is covered by a valid surface mining permit.

(b) The application shall be in writing and on a form prepared and furnished by the Department and shall fully state the information called for. In addition, the applicant may be required to furnish other information the Department reasonably deems necessary in order to enforce this subtitle.

(c) A permit may cover more than one tract of land, if the tracts are contiguous and are described in the application.

(d) (1) Except as waived by the provisions of paragraph (3) of this subsection, the application shall be accompanied by an agreement, in a form specified by the Department, signed by the applicant and the landowner, if he is a different person from the applicant, stating that:

(i) The Department may enter the land, after making a reasonable effort to notify the permittee, the owner, or any subsequent owners, at any reasonable time during the term of the permit and until the performance bond is released, and while on the property, Department personnel shall comply with all government regulations;

(ii) If a bond forfeiture is ordered, the Department and its representatives and contractors may enter the land and take actions necessary to carry out reclamation which the operator has failed to complete; and

(iii) The agreement shall be recorded in each county where the land is located as §§ 3-102 and 3-103 of the Real Property Article provide at the expense of:

1. The Department for an agreement that is executed on or before July 1, 1985; or
2. The applicant for any agreement that is executed after July 1, 1985.

(2) The application shall be accompanied by a mining and reclamation plan and map which meet the requirements of § 15-822 of this subtitle. No permit may be issued until the plan is approved by the Department.

(3) The Department may waive the requirements of paragraph (1) of this subsection if a contract between the applicant and the landowner, if he is a different person from the applicant, was entered into before July 1, 1974.

(e) Each application for a permit shall be accompanied by a filing fee required by:

- (1) Subsection (f) of this section for an original permit;
- (2) § 15-815 of this subtitle for a modification of a permit;
- (3) § 15-816 of this subtitle for a renewal of a permit; and
- (4) § 15-819 of this subtitle for a transfer of a permit.

(f) The fee for an original permit shall be \$12 for each acre of affected land for each year of operation requested, but the fee may not exceed \$1,000 per year.

(g) The fee shall be paid annually during the term of the permit.

(h) (1) If the term of the permit exceeds 5 years, the permittee shall pay additional fees, based on the formula in subsection (f) of this section for each 5-year portion of the term of the permit. These additional fees shall be paid to the Department within 1 year before the completion of each 5-year portion of the term of the permit.

(2) Any permit that was granted on or before June 30, 1985, is not subject to the additional fees required by paragraph (1) of this subsection until the time of modification or renewal of the permit under §§ 15-815 and 15-816 of this subtitle.

(i) In addition, before a surface mining permit is issued the applicant shall pay a special reclamation fee of \$30 for each acre of land affected. The payment shall be based on the same number of acres as that for which bond is required.

(j) The Governor each year shall place an item in the budget to provide for the matching moneys required by this subsection. These matching funds may be provided by the State in the current budget at the time the permit is issued or in the next succeeding State budget. When all pre-law surface mined lands have been reclaimed, this fee shall cease to be collected.

(k) (1) Any person who violates the provisions of this section or who knowingly or intentionally has filed false information in the application for a permit, or who has not fully complied with all provisions and requirements of the permit, is guilty of a misdemeanor, and, on conviction, is subject to a fine of:

(i) Not more than \$25,000; and

(ii) An amount sufficient to cover the cost of reclaiming the affected land.

(2) The fine and any payment for reclamation shall be paid into the Surface Mined Land Reclamation Fund.

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